

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JAMES L. ROBROCK, M.D.,**

4 Holder of License No. 16209
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-08A-16209-MDX-res

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

(License Revocation)

7 On February 4, 2009, this matter came before the Arizona Medical Board ("Board")
8 for oral argument and consideration of the Administrative Law Judge (ALJ) Thomas
9 Shedden's proposed Findings of Fact and Conclusions of Law and Recommended Order.
10 Assistant Attorney General Jennifer Boucek, represented the State. Chris Munns,
11 Assistant Attorney General with the Solicitor General's Section of the attorney General's
12 Office, was present and available to provide independent legal advice to the Board.

13 The Board, having considered the ALJ's decision and the entire record in this
14 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

15
16 **FINDINGS OF FACT**

- 17 1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing
18 and regulating the practice of allopathic medicine in the State of Arizona.
19 2. James L. Robrock, M.D. is the holder of License No. 16209 for the practice of
20 allopathic medicine in Arizona issued by the Board.
21 3. Dr. Robrock's license is currently suspended and expired. See Exhibit 17.

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1 4. On August 14, 2008 the Board issued a Complainant and Notice of Hearing
2 setting this matter for hearing at 9:00 a.m. November 5, 2008. The hearing was convened
3 shortly after that time.¹

4 5. The Board presented the testimony Sue Dana and Lorraine Brown and had 17
5 exhibits entered into evidence; Dr. Robrock testified on his own behalf.

6 6. On June 8, 2006, Dr. Robrock entered into a Stipulated Health Agreement
7 ("SHA") that required him to enroll and participate in the Physicians Health Program
8 ("PHP") and to complete the program defined in the Physician Renewal Center ("PRC")
9 Evaluation. The SHA also required Dr. Robrock to enter treatment with an approved
10 psychiatrist who would submit quarterly reports to the Board. See Exhibit 1.

11 7. Dr. Robrock has not completed the PRC program and has not completed the
12 treatment by a psychiatrist as required by the SHA.

13 8. On or about October 4, 2006, the Board received an anonymous complaint
14 alleging that Dr. Robrock was using illegal drugs. On October 5, 2006, a Board interview
15 was conducted by telephone because Dr. Robrock has sustained a back injury. See
16 Exhibit 8 (transcript). At that time Dr. Robrock agreed to enter an Interim Consent
17 Agreement for Practice Restriction (the "Consent Agreement"), which was signed on his
18 behalf by his attorney on October 5, 2006. Dr. Robrock personally signed the Consent
19 Agreement on October 19, 2006. See Exhibit 10.

20 9. In signing the Consent Agreement Dr. Robrock acknowledged that he had a
21 chemical dependency problem. See Exhibit 10.

22 10. Under the terms of the Consent Agreement, Dr. Robrock is prohibited from the
23 practice of medicine until he receives permission from the Board to resume practice.

24 11. In conjunction with the Consent Agreement, Dr. Robrock was required to file by
25 October 27, 2006 a Declaration of Compliance showing that he was no longer practicing

1. No representative appeared for Dr. Robrock at the scheduled time and, after a 15 minute grace
period the Administrative Law Judge convened the hearing in his absence. Dr. Robrock arrived a few
minutes after the hearing convened and was in attendance for the presentation of all evidence. After the
hearing ended, the Administrative Law Judge learned that Dr. Robrock had contacted the Office of
Administrative Hearings ("OAH") prior to the hearing and informed the OAH that he was stuck in traffic and
running late.

1 clinical medicine. Dr. Robrock did not file the Declaration as required and the Board sent
2 a notice showing that Dr. Robrock would have until January 25, 2007 to respond to a
3 request for his Declaration of Compliance. On February 14, 2007, the Board received a
4 Declaration of Compliance from Dr. Robrock.

5 12. On or about April 9, 2007, the Board received a complaint from D.B., a patient of
6 Dr. Robrock, in which D.B. alleged that Dr. Robrock had failed to properly perform a
7 facelift and that she was unable to get her medical records from Dr. Robrock. The Board
8 notified Dr. Robrock of D.B.'s complaint and instructed him to respond by May 1, 2007.
9 See Exhibit 14.

10 13. Dr. Robrock did not respond by May, 1, 2007, but on May 4, 2007, at the request
11 of Dr. Robrock's attorney, the deadline was extended. Dr. Robrock did not meet the new
12 deadline and, on May 30, 2007 the Board issued a second notice that added an
13 allegation that Dr. Robrock had not responded to the Board in a timely manner. See
14 Exhibit 15.

15 14. Dr. Robrock acknowledged that the Board's allegations are true, but requested
16 that the Board institute a penalty other than revocation.

17 15. Dr. Robrock testified that he has been unable to make a living the past two years
18 and that has impacted his ability to comply with the SHA and Consent Agreement. Dr.
19 Robrock testified that he is open to suggestion as to how to meet these obligations
20 without money.

21 16. Dr. Robrock acknowledged that, with respect to D.B., he had not included in the
22 chart all the notes that he should have included.

23 17. According to Dr. Robrock, he has been infected with nanotechnology, which is not
24 recognizable by doctors, although he acknowledged that a patient reporting the same
25 would be considered delusional.

18 18. Dr. Robrock was a plastic surgeon and he would like to keep his license to pursue
19 research activities, but does not want to engage in surgery in the future.

20 **CONCLUSIONS OF LAW**

21 1. The Board has jurisdiction over Respondent and the subject matter in this case.

1 2. The Board has the burden of persuasion. A.R.S. § 41-1092.07(G)(2).

2 3. The burden of proof on all issues that of the preponderance of the evidence.
3 A.A.C. R2-19-119(A).

4 4. A preponderance of the evidence is "[e]vidence which is of greater weight or more
5 convincing than the evidence which is offered in opposition to it; that is, evidence which as
6 a whole shows that the fact sought to be proved is more probable than not." BLACK'S LAW
7 DICTIONARY 1182 (6th ed. 1990).

8 5. The Board alleges that Dr. Robrock violated A.R.S. §§ 32-1401(27)(a), (27)(e),
9 (27)(f), (27)(r) and (27)(dd).

10 6. The preponderance of the evidence shows that Dr. Robrock violated A.R.S. § 32-
11 1401(27)(a) in that his failure to provide D.B. with her medical records is a violation of
12 A.R.S. § 12-2293.

13 7. The preponderance of the evidence shows that Dr. Robrock violated A.R.S. § 32-
14 1401(27)(e) in that he failed to maintain adequate records on patient D.B.

15 8. The preponderance of the evidence shows that Dr. Robrock violated A.R.S. § 32-
16 1401(27)(f) in that he admitted to having a substance abuse problem when he entered
17 into the Consent Agreement.

18 9. The preponderance of the evidence shows that Dr. Robrock violated A.R.S. § 32-
19 1401(27)(r) in that he has violated the SHA and, in that he did not timely file his
20 Declaration of Compliance related to the Consent Agreement.

21 10. The preponderance of the evidence shows that Dr. Robrock violated A.R.S. § 32-
22 1401(27)(dd) in that he did not timely comply with the Board's request for information
23 related to D.B.

24 11. Because Dr. Robrock has committed acts of unprofessional conduct, discipline
25 against his license is appropriate. See A.R.S. § 32-1451(M).

12. The Board argues that revocation is appropriate because Dr. Robrock's
unprofessional conduct is egregious given the number and nature of the violations and
considering that Dr. Robrock was censured in 2002. The evidence supports the Board's
position and Dr. Robrock offered no substantial evidence in mitigation that would show
that discipline other than revocation is appropriate.

1 **ORDER**

2 Based on the foregoing the Board orders that on the effective date of the Order
3 entered in this matter, Dr. James L. Robrock's License No. 16209 is revoked.

4 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

5 Respondent is hereby notified that he has the right to petition for a rehearing or
6 review. The petition for rehearing or review must be filed with the Board's Executive
7 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
8 petition for rehearing or review must set forth legally sufficient reasons for granting a
9 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days
10 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
11 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
12 Respondent.

13 Respondent is further notified that the filing of a motion for rehearing or review is
14 required to preserve any rights of appeal to the Superior Court.

15 DATED this 5TH day of February, 2009.



17 THE ARIZONA MEDICAL BOARD

18 By [Signature]
19 Lisa S. Wynn
20 Executive Director

21 ORIGINAL of the foregoing filed this
22 5TH day of February, 2009 with:

23 Arizona Medical Board
24 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

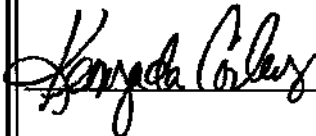
25 COPY OF THE FOREGOING FILED
this 5TH day of February, 2009 with:

1 Cliff J. Vanell, Director
2 Office of Administrative Hearings
3 1400 W. Washington, Ste 101
4 Phoenix, AZ 85007

5 Executed copy of the foregoing
6 mailed by U.S. Mail this
7 5th day of February, 2009 to:

8 James L. Robrock, M.D.
9 Address of Record

10 Jennifer Boucek
11 Assistant Attorney General
12 Office of the Attorney General
13 CIVILES
14 1275 W. Washington
15 Phoenix, AZ 85007

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17 _____

18 #386305
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4 Holder of License No. **16209**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-08A-16209-MDX-res

**ORDER DENYING MOTION FOR
REHEARING AND REVIEW**

(License Revocation)

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8 At its public meeting on April 1-2, 2009, the Arizona Medical Board ("Board") considered
9 a Petition for Rehearing or Review filed by James L. Robrock, M.D. ("Respondent").
10 Respondent requested the Board rehear or review its February 5, 2009, Findings of Fact,
11 Conclusions of Law and Order for Revocation in Case no. MD-08A-16209-MDX-res. The
12 Board voted to deny the Respondent's Petition for Rehearing or Review upon due
13 consideration of the facts and law applicable to this matter.

14 **ORDER**

15 IT IS HEREBY ORDERED that:

16 Respondent's Petition for Rehearing or Review is denied. The Board's February
17 5, 2009, Findings of Fact, Conclusions of Law and Order for Revocation in Case no. MD-
18 08A-16209-MDX-res is effective and constitutes the Board's final administrative order.

19 **RIGHT TO APPEAL TO SUPERIOR COURT**

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21 Respondent is hereby notified that he has exhausted his administrative remedies.
22 Respondent is advised that an appeal to Superior Court in Maricopa County may be
23 taken from this decision pursuant to title 12, chapter 7, article 6 of Arizona Revised
24 Statutes.
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2 DATED this 9th day of April, 2009.



THE ARIZONA MEDICAL BOARD

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9 By Amade Deht
LISA WYNN
Executive Director

10 ORIGINAL of the foregoing filed this
11 9th day of April, 2009 with:

12 Arizona Medical Board
13 9545 East Doubletree Ranch Road
14 Scottsdale, Arizona 85258

15 COPY OF THE FOREGOING FILED
16 this 9th day of April, 2009 with:

17 Executed copy of the foregoing
18 mailed by U.S. Mail this
19 9th day of April, 2009 to:

20 James L. Robrock, M.D.
21 Address of Record

22 Jennifer Boucek
23 Assistant Attorney General
24 Office of the Attorney General
25 CIV/LES
1275 W. Washington
Phoenix, AZ 85007

[Signature]
#386305